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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SADAK FIDOW, an individual,

Plaintiff,

v.

NORTH STAR FISHING COMPANY, LLC,  
a Washington limited liability company,

Defendant.

NO.

COMPLAINT FOR  
DAMAGES

COMES NOW the plaintiff, Sadak Fidow, by and through his attorney of record, Daniel R. Whitmore, and alleges the following claim for relief against the defendant.

**I. PARTIES**

1.1 Plaintiff Sadak Fidow (“Fidow”) is an individual that is a citizen of the State of Minnesota.

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1           3.3     On February 9, 2022, at approximately 12:20 p.m., the F/T North Star was docked  
2 at or around the Kloosterboer Dutch Harbor cold storage facility in Unalaska, Alaska.

3           3.4     While it was docked, the F/T North Star remained in navigable waters, fully  
4 operational and able to be set in motion on its own power.

5           3.5     At the above referenced time and place, the crew of the F/T North Star were  
6 offloading containers of frozen fish from the vessel and into the Koosterboer cold storage facility.

7           3.6     The above-referenced offload was supervised and controlled by members of the F/T  
8 North Star's crew.

9           3.7     Plaintiff Fidow was directed to assist with the offload.

10          3.8     As part of the offload, containers of frozen fish were placed on pallets and then  
11 secured using plastic shrink wrap.

12          3.9     During the offload, a forklift operator lowered a loaded pallet too quickly, causing  
13 it to strike the ground and the containers of fish to break free of the plastic shrink wrap.

14          3.10    Plaintiff Fidow and other members of the crew were directed to move the subject  
15 containers of fish onto a different pallet. While doing so, one of his feet became entangled in  
16 plastic shrink wrap, causing him to fall while holding a container of fish and sustain serious  
17 personal injuries, including but not limited to multiple fractures to the bones in his left hand.

18          3.11    At all times material hereto, the above-referenced forklift operator was an employee  
19 and/or common law agent of Defendant North Star acting in the course and scope of his  
20 employment and/or agency.

21          3.12    At all times material hereto, the person or persons who covered the subject pallet  
22 with plastic shrink wrap were employees and or common law agents of Defendant North Star  
23 acting in the course and scope of their employment.

24 COMPLAINT FOR DAMAGES - 3

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1           3.13   Prior to this incident, Plaintiff Fidow and other members of the crew had not  
2 received the training needed to safely offload product from the ship and into cold storage. This  
3 includes but is not limited to training in the safe operation of forklifts, the correct methods for  
4 securing containers of frozen fish on pallets with plastic shrink wrap, and the correct methods for  
5 safely working around tripping hazards.

6           3.14   At all times material hereto, Plaintiff Fidow and other crew members involved in  
7 the offload did not receive necessary supervision and direction from Defendant's officers and  
8 managers who were supervising and controlling the offload.

#### 9                           **IV. FIRST CAUSE OF ACTION – UNSEAWORTHINESS**

10           4.1    Plaintiff Fidow's injuries were caused by Defendant North Star's breach of its  
11 absolute duty to furnish a seaworthy vessel. Defendant's vessel was unseaworthy because its crew  
12 was inadequate and insufficiently trained in the tasks required by the operation being conducted at  
13 the time of Plaintiff's injury, and because it lacked the proper gear, equipment, and appurtenances  
14 required by the operation being conducted at the time of Plaintiff's injury.

#### 15                           **V. SECOND CAUSE OF ACTION – JONES ACT**

16           5.1    Plaintiff Fidow's injuries were suffered in the course of his employment and were  
17 caused by the negligence of Defendant North Star and its officers, agents, and/or employees. Said  
18 negligence includes failing to provide Plaintiff with a safe place to work; failing to properly  
19 conduct, supervise, direct and/or control the operation being conducted at the time of Plaintiff's  
20 injury; such other acts of negligence to be proved at the time of trial.

#### 21                           **VI. DAMAGES**

22           6.1    As a result of the foregoing, Plaintiff Fidow was caused to sustain serious and  
23 painful injuries, including but not limited to severe injuries to his left hand. He has suffered severe  
24 COMPLAINT FOR DAMAGES   - 4

1 physical pain and keen mental anguish; he has required hospitalization and medical care, including  
2 surgery, for this injuries and the serious residuals thereof; he has been disabled from resuming the  
3 duties of his employment; and he has been impaired in other activities. He has sustained damages  
4 including but not limited to:

- 5 a. Physical pain and mental anguish in the past and future;
- 6 b. Medical expenses, past and future;
- 7 c. Lost earnings, past and future;
- 8 d. Damage to earning capacity;
- 9 e. Physical impairment, past and future;
- 10 f. Pain and suffering, past and future

## 11 **VII. JURY DEMAND**

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14 7.1 Plaintiff demands a jury trial of all issues triable by right by jury.  
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**VIII. PRAYER**

8.1 Based on the foregoing, Plaintiff Fidow asked for judgment against Defendant North Star for the following:

- a. Actual damages of \$1.5 million or in such amount as is proved at the time of trial;
- b. Reasonable attorney's fees, costs, and prejudgment interest;
- c. Such additional relief the Court deems just and proper.

DATED this 2d day of February, 2023

LAW OFFICES OF DANIEL R. WHITMORE, PS

*/s/ Daniel R. Whitmore*

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